

REMARKS

Reconsideration of the present application is respectfully requested. No claims have been amended. Claims 1 – 32 and 34 - 39 are currently pending.

Rejections based on 35 U.S.C. § 103

Claims 1 – 2, 5 – 6, 20, 22, 34 and 36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman, US Patent No. 5,680,563 (“Edelman”), in view of Bolnick, *et al.*, US Patent No. 5,838,317 (“Bolnick”) and further in view of Gargi, *et al.*, US Publn. No. 2005/0027712 (“Gargi”). Claims 3 – 4, 7 – 19, 21, 23 – 32, 35 and 37 – 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Edelman in view of Bolnick, and in further view of Gargi, and further in view of Engst (“iPhoto 2 for Mac OS X: Visual Quickstart Guide”, Copyright 04/21/2003, Peachpit Press). Applicants respectfully traverse the pending rejections.

Declaration under 37 C.F.R. § 1.131

Each of the present rejections relies on the reference Gargi, which was filed on July 31, 2003. The present application was filed on January 23, 2004. Applicants, however, conceived of and reduced their invention to practice before the filing date of the Gargi reference. Thus, the Gargi reference does not qualify as prior art.

In response to the previous Office Action, Applicants submitted a Declaration under 37 C.F.R. § 1.131, along with Exhibits A and B, to overcome the present rejections. In the Declaration, Applicants swear behind the effective date of the Gargi reference and attest that the date of conception of the present invention was at least before the filing date of the Gargi reference. Exhibits A and B provide written evidence to support such a date of conception. Exhibits A and B also show an actual reduction to practice prior to the filing of the Gargi reference. Exhibit A is a press release evidencing the release of a software product titled

“Microsoft® Digital Image Suite 9” on July 29, 2003. Exhibit B provides screen shots generated by the Microsoft® Digital Image Suite 9 product. The Declaration, along with Exhibit A and a revised Exhibit B, are resubmitted herewith.

In finding the Declaration to be ineffective to remove the Gargi reference, the Office Action states: “It is unclear to the Examiner where support lies in either Exhibits A and B for [the limitations of the independent claims]. In addition, the screen shots provided (“Exhibit B”) are rather small difficult to read or interpret (note: some resolution appears to have been lost in the faxing/scanning of the screen shots).”

To address these concerns, the Applicants have reproduced the screen shots of Exhibit B in an enlarged format so as to better demonstrate the mapping of the claim limitations to the evidence. Note, Exhibit A is provided to establish the date of the actual reduction to practice, not to show the limitations of the claims.

Turning to the screen shots of revised Exhibit B, these images prove that the Digital Image Suite 9 product is an actual reduction to practice of the claimed invention. A mapping of independent claim 34 to the content of Exhibit B is provided as an example:

<p>Claim 34: A method for presenting a plurality of items to a user, the method comprising: providing one or more filters that may be applied to said plurality of items, wherein each of said filters are associated with a default grouping;</p>

The screen shots on pages 1, 5 and 7 of revised Exhibit B illustrate the presentation of items (i.e., photographs) in groups, as dictated by a selected filter. For example, in the screen shot on page 1, the photos are filtered by “Date,” as indicated by the “View By” drop-down menu on the upper-left side of the shot. This menu has been circled for ease of location. Likewise, the screen shot on page 5 illustrates user-selection of a “Folder” filter, (as

circled). On page 7, a “Keyword” filter is utilized in the screen shot. In addition, as explained more fully below, a default or “Auto” grouping is provided for each filter.

**receiving a user input indicating a user selection to apply one of said filters to said plurality of items;
applying said selected filter to said plurality of items to select one or more filtered items;
automatically dividing said one or more filtered items into a plurality of groups in accordance with the default grouping associated with the selected filter;**

The right-most pane of the presented screen shots illustrates the application of a selected filter and an “Auto” grouping to presented images. For example, the screen shot on page 1 illustrates application of the “Date” filter and the “Auto” grouping of the photos according to the time the images were take. For example, the 2003 photos in the right-most pane are auto-grouped according to month (e.g., “December 2003” and “September 2003”).

As another example, the “Auto” grouping associated with the “Folder” filter groups by sub-folder, as displayed on page 6. On this screen shot, the auto-grouping is done by sub-folder (e.g., “Jensen Playdate and “Olivia BDay”). Lastly, the “Keyword” filter on page 7 yields groupings that rely on shared keywords (e.g., “All Selected Keywords” and “Audrey”).

**generating one or more group titles for at least a portion of said plurality of groups, wherein said one or more group titles indicate at least one characteristic shared by the filtered items in one of said plurality of groups; and
displaying said filtered items in said plurality of groups along with at least a portion of said one or more group titles.**

The various screen shots of Exhibit B also illustrate the generation and display of group titles indicating shared group characteristics. For example, on the screen shot of page 1, the group titles indicate a period of time when the photos were taken (e.g. the month of 2003), whereas the group titles on the screen shot of page 5 indicate the sub-folders associated with the groupings (e.g., “My Pictures” and “2002”). On the screen shot of page 7, the group titles

indicate the keywords shared by the grouped items (e.g., “All Selected Keywords” and “Audrey”).

By mapping independent claim 34 to the images of Exhibit B, the aspects of the other independent claims will be easily recognized in the screen shots, so an explicit mapping is not necessary. Moreover, to the extent that the Examiner has any additional concerns regarding the mapping of the claims to the screen shots of Microsoft® Digital Image Suite 9, Applicants note that FIGS. 2C-F and FIGS. 5A-C of the present application also indicate their creation by Microsoft® Digital Image Suite 9. As such, the specification of the present application, in discussing FIGS. 2C-F and FIGS. 5A-C, further demonstrates the mapping of the aspects required by the claimed invention to the interface provided by Microsoft® Digital Image Suite 9.

Because the Microsoft® Digital Image Suite 9 product illustrates each and every claimed aspect of the present invention, it is clearly an actual reduction to practice of the present invention that pre-dates the effective date of the Gargi reference. The Declaration and written evidence demonstrate that Applicants conceived of the present invention and reduced it to practice before the effective date of the Gargi reference. As such, the Office Action can no longer maintain a valid rejection under 35 U.S.C. § 103 that relies on the Gargi reference as it does not qualify as prior art. Accordingly, withdrawal of the rejection of claims 1 – 32 and 34 - 39 under 35 U.S.C. §103 is respectfully requested.

Conclusion

For the reasons stated above, claims 1 – 32 and 34 - 39 are in condition for allowance. If any issues remain which would prevent issuance of this application, the Examiner is urged to contact the undersigned prior to issuing a subsequent action. The Commissioner is hereby authorized to charge any additional amount required, or credit any overpayment, to Deposit Account No. 19-2112.

Respectfully submitted,

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